



PATENT  
Docket No. 342312001701

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Aurelia A. Caparas

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Peter S. BORROMEO et al.

Serial No.: 10/676,575

Filing Date: September 30, 2003

For: RING MODIFIED CYCLIC PEPTIDE  
ANALOGS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents were previously submitted in an Information Disclosure Statement directed to the co-pending application Serial Number 09/763,114, filed May 24, 2001. If the Examiner requires additional copies of the documents, the Applicants will be happy to provide them upon request. The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1:114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 342312001701. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 17, 2003

Respectfully submitted,

By: \_\_\_\_\_

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<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 342312001701	Application Number 10/676,575
	Applicant Peter Stanley BORROMEO et al.	
	Filing Date September 30, 2003	Group Art Unit Not Yet Assigned
	Mailing Date: November 17, 2003	

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	12/16/1992	07/992,390	Burkhardt et al.			
	2.	03/17/1993	08/032,228	Burkhardt et al.			
	3.	10/06/1981	4,293,489	Debono			
	4.	03/16/1982	4,320,052	Abbott et al.			
	5.	11/24/1992	5,166,135	Schmatz			
	6.	07/30/1996	5,541,160	Balkovec et al.			
	7.	12/09/1997	5,696,084	Lartey et al.			
	8.	10/12/1999	5,965,525	Burkhardt et al.			
	9.	08/03/1999	5,932,543	Burkhardt et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	10.	03/21/1990	EP 0 359 529	Europe				
	11.	09/18/1991	EP 0 447 186	Europe				
	12.	09/25/1991	EP 0 448 343	Europe				
	13.	09/25/1991	EP 0 448 353	Europe				
	14.	09/25/1991	EP 0 448 354	Europe				
	15.	09/25/1991	EP 0 448 355	Europe				
	16.	12/27/1991	EP 0 462 531	Europe				
	17.	09/16/1992	EP 0 503 960	Europe				
	18.	02/03/1993	EP 0 525 889	Europe				
	19.	09/22/1993	EP 0 561 639	Europe				
	20.	10/10/1996	WO 96/31228	Europe				
	21.	11/25/1996	WO 96/37509	WIPO				
	22.	11/28/1996	WO 96/37510	WIPO				

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DATE CONSIDERED:

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<b>Form PTO-449</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 342312001701	Application Number 10/676,575
	Applicant Peter Stanley BORROMEO et al.	
	Filing Date September 30, 2003	Group Art Unit Not Yet Assigned
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	23.	11/28/1996	WO 96/37511	WIPO				
	24.	11/28/1996	WO 96/37512	WIPO				
	25.	02/13/1997	WO 97/05163	WIPO				
	26.	08/07/1997	WO 97/27864	WIPO				
	27.	02/11/1999	WO 99/06062	WIPO				
	28.	09/02/1999	WO 99/43337	WIPO				
	29.	03/02/2000	WO 00/11023	WIPO				
	30.	03/09/2000	WO 00/12540	WIPO				
	31.	06/22/2000	WO 00/35944	WIPO				
	32.	06/02/2000	WO 00/35945	WIPO				
	33.	09/18/1991	GB 2,241,956	GB				
	34.	09/25/1991	GB 2,242,194	GB				

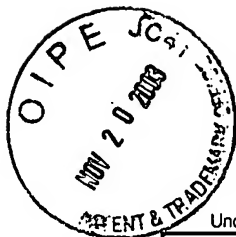
**OTHER DOCUMENTS***(including author, title, Date, Pertinent Pages, Etc.)*

Examiner Initials	Ref. No.	Title
	35.	Baba, N., et al. (1989). "Intramolecular Asymmetric Lactonization Using Optically Active 1,2-Diphenylethylenediamine as a Chiral Auxiliary," <i>Chemistry Letters</i> 5: 889-892.
	36.	Baldwin, J.E. and Finn, A., (1987). "Use of L-Aspartic Acid $\beta$ -Semiaidehyde in the Synthesis of More Complex Non-Protein Amino Acids," <i>Tetrahedron Letters</i> 28(31): 3605-3608.
	37.	Curphey, et al. (1979). "Trifluoroacetylation of Amino Acids and Peptides by Ethyl Trifluoroacetate," <i>J. Org. Chem.</i> 44(15): 2805-2807.
	38.	Evans, D.A., and Weber, A.E., (1987). "Synthesis of Cyclic Hexapeptide Echinocandin D. New Approaches to the Asymmetric Synthesis of $\beta$ -Hydroxy $\alpha$ -Amino Acids," <i>J. Am. Chem. Soc.</i> 109: 7151-7157.
	39.	Hensens, D.O. et al. (1992) "Pneumocandins from <i>Zalerion arboricola</i> " <i>Journal of Antibiotics</i> 45(12):1875-1885.
	40.	Jamison, J.A. et al. (1998) "The synthesis and antifungal activity of nitrogen containing hemiaminal ethers of LY303366" <i>Journal of Antibiotics</i> 51(2):239-242.
	41.	Kurokawa, N. and Ohfun, Y., (1986). "Total Synthesis of Echinocandins 1. Stereocontrolled Syntheses of the Constituent Amino Acids," <i>J. Am. Chem. Soc</i> 108: 6041-6043.
	42.	Kurokawa, N. and Ohfun, Y., (1993). "Synthetic Studies on Antifungal Cyclic Peptides Echinocandins. Stereoselective Total Synthesis of Echinocandin D via a Novel Peptide Coupling," <i>Tetrahedron</i> 49(28): 6195-6222.
	43.	Sasaki, N.A., et al. (1987). "A Novel Approach to the Synthesis of Optically Pure Non Protein $\alpha$ -

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		Applicant  Peter Stanley BORROMEO et al.																			
		Filing Date September 30, 2003	Group Art Unit Not Yet Assigned																		
		Mailing Date: November <u>1</u> , 2003																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 10%;"></td> <td style="width: 85%;">Amino Acids in Both L and D Configuration from L-Serine," <i>Tetrahedron Letters</i> 28(48): 6069-6072.</td> </tr> <tr> <td></td> <td style="text-align: center;">44.</td> <td>Tanaka, K., et al. (1985). "Asymmetric Synthesis of <math>\gamma</math>-Alkyl-<math>\alpha</math>-Methylene-<math>\gamma</math>-Butyrolactone Via 1,6-Remote Induciton Using 2-[(Tributylstannyl)Methyl]Propenamides," <i>Tetrahedron Letters</i> 26(10): 1337-1340.</td> </tr> <tr> <td></td> <td style="text-align: center;">45.</td> <td>Turner, W.W. and Rodriguez, M.J. (1996). "Recent Advances in the Medicinal Chemistry of Antifungal Agents," <i>Current Pharmaceutical Design</i> 2: 209-224.</td> </tr> <tr> <td></td> <td style="text-align: center;">46.</td> <td>Yamamoto, Y., et al. (1991). "Asymmetric Synthesis of 5- and 6-Membered Lactones from Cyclic Substrates Bearing a C<sub>2</sub>-Chiral Auxiliary," <i>J. Org Chem</i> 56(3): 1112-1119.</td> </tr> <tr> <td></td> <td style="text-align: center;">47.</td> <td>Yoda, H., et al. (1989). "New Synthetic Method of <math>\gamma</math>- and <math>\delta</math>- Lactones via Successive Alkylation and Reduction of Cyclic Imides," <i>Chemistry Express</i> 4(8): 515-518.</td> </tr> <tr> <td></td> <td style="text-align: center;">48.</td> <td>Zambias, R.A. et al., (1992). "Preparation and Structure- Activity Relationships of Simplified Analogues of Antifungal Agent Cilofungin: A Total Synthesis Approach," <i>J. Med. Chem.</i> 35: 2843-2855.</td> </tr> </table>						Amino Acids in Both L and D Configuration from L-Serine," <i>Tetrahedron Letters</i> 28(48): 6069-6072.		44.	Tanaka, K., et al. (1985). "Asymmetric Synthesis of $\gamma$ -Alkyl- $\alpha$ -Methylene- $\gamma$ -Butyrolactone Via 1,6-Remote Induciton Using 2-[(Tributylstannyl)Methyl]Propenamides," <i>Tetrahedron Letters</i> 26(10): 1337-1340.		45.	Turner, W.W. and Rodriguez, M.J. (1996). "Recent Advances in the Medicinal Chemistry of Antifungal Agents," <i>Current Pharmaceutical Design</i> 2: 209-224.		46.	Yamamoto, Y., et al. (1991). "Asymmetric Synthesis of 5- and 6-Membered Lactones from Cyclic Substrates Bearing a C <sub>2</sub> -Chiral Auxiliary," <i>J. Org Chem</i> 56(3): 1112-1119.		47.	Yoda, H., et al. (1989). "New Synthetic Method of $\gamma$ - and $\delta$ - Lactones via Successive Alkylation and Reduction of Cyclic Imides," <i>Chemistry Express</i> 4(8): 515-518.		48.	Zambias, R.A. et al., (1992). "Preparation and Structure- Activity Relationships of Simplified Analogues of Antifungal Agent Cilofungin: A Total Synthesis Approach," <i>J. Med. Chem.</i> 35: 2843-2855.
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PTO/SB/21 (08-03)  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/676,575
		Filing Date	September 30, 2003
		First Named Inventor	Peter S. BORROMEO
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	7	Attorney Docket Number	342312001701

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Form PTO-1449 (3 pages)
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP Kimberly A. Bolin - 44,546 Customer Number: 25226
Signature	
Date	November 17, 2003

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Dated: November 17, 2003

Signature: (Aurelia A. Caparas)